IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 4154 of 2005

Between:

1 Shaik Shareef, s/o Moulali,
r/o East Gangavaram, Tallur Mandal, Prakasam District.
2 Siddabattuni Venkateswarlu, s/o Rama Murthy,
r/o East Gangavaram, Tallur Mandal, Prakasam District.
3 Shaik Hussain, s/o Himamuddin,
r/o East Gangavaram, Tallur Mandal, Prakasam District.
4 Shaik Mahaboob Subani, s/o Maulali Saheb,
r/o East Gangavaram, Tallur Mandal, Prakasam District.
5 Tadikonda Subbulu, w/o Veeraiah,
r/o East Gangavaram, Tallur Mandal, Prakasam District.
6 Naidu Sudhakar, s/o Devajee,
r/o East Gangavaram, Tallur Mandal, Prakasam District.
7 Gajula Venkateswara Rao, s/o Subbaiah,
r/o East Gangavaram, Tallur Mandal, Prakasam District.
8 Shaik Mahaboob Basha, s/o China Mastan Saheb,
r/o East Gangavaram, Tallur Mandal, Prakasam District.
9 Masavaram Venkateswarlu, s/o Ramulu,
r/o East Gangavaram, Tallur Mandal, Prakasam District.

..... PETITIONER(S)

AND

1 The District Collector, Prakasam at Ongole.
2 The A.P.Pollution Control Board, Sanath Nagar, Hyderabad rep., by its Secretary
3 The Environmental Engineer, A.P.Pollution Control Board, Regional Office, Dargamitta, Nellore.

4 Sri Kamadhenu Dairy, East Gangavaram Village, Tallur Mandal, Prakasam District
rep., by its Managing Director, Manam Venkateswara Reddy

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus or any other appropriate writ or direction directing the respondents not to permit the 4th respondent to run the milk chilling unit in the midst of residential locality of E.Gangavaram Village, Tallur Mandal, Prakasam District and pass such other or further orders as the Hon'ble Court feels deem fit and proper in the facts and circumstances of the case.

Counsel for the Petitioner:MRS.PULIPATI RADHIKA

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent Nos.2 and 3: Sri S.V. Bhatt

Counsel for the Respondent No.4: None

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

Petition has been filed as “Public Interest Litigation” on the ground that earlier Respondent No.4 was having Pedda Rice Mill in the building in question which was closed as it was causing air pollution. But, abruptly, 4th respondent has started taking steps to convert the said rice mill into a Milk Chilling Centre. According to the petitioner, the same is likely to adversely affect the environment.

Petitioners have filed the present writ petition straight away without approaching the Pollution Control Board, though they have made the Pollution Control Board as party to the writ petition. But, however, they made a representation to the Collector for stoppage of the proposed Milk Chilling Centre.

Admittedly, petitioners have not filed any representation before the Pollution Control Board before filing the instant writ petition. We, therefore, direct that the writ petition itself be treated as a representation by the respondent-Board and the respondent-Board shall conduct inspection of the 4th respondent-unit. In case the respondent-Board finds that the 4th respondent has violated any of the provisions of the environmental law, appropriate proceedings be initiated against it in accordance with law. However, decision will be taken by the respondent-Board within a period of two months from the date of writ order from this Court.

The writ petition is accordingly disposed of.

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DEVINDER GUPTA,CJ

DATE: 3rd March, 2005

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B. SESHASAYANA REDDY,J

Pnb

To

1. The District Collector, Prakasam at Ongole.

2. The Secretary, A.P. Pollution Control Board, Sanathnagar, Hyderabad.

3. The Environmental Engineer, A.P. Pollution Control Board, Regional Office, Dargamitta, Nellore.

4. Two C.Cs. to the Government Pleader for Revenue, High Court Buildings, Hyderabad. (OUT)

5. Two C.D. copies